



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322364-25

### Development

Application for the compulsory acquisition of a derelict site in accordance with Section 14 of the Derelict Sites Act 1990, as amended.

### Location

22 High St, Tullamore, County Offaly

### Local Authority

Offaly County Council

### Notice Parties

William Murray.

### Date of Site Inspection

1<sup>st</sup> July 2025

### Inspector

Terence McLellan

## **1.0 Introduction**

- 1.1.1. This case relates to a request by Offaly County Council for the consent of An Coimisiún Pleanála to the compulsory acquisition of 22 High Street, Tullamore, Offaly (OY3434-13) in accordance with the provisions of the Derelict Sites Act, 1990, as amended.

## **2.0 Site Location and Description**

- 2.1. The property that is the subject of this application for consent for compulsory acquisition (hereafter referred to as the 'subject property'), is located at 22 High Street, Tullamore, County Offaly. The subject site is in Tullamore town centre and the existing building is mid terrace, two storey/five bay terraced with coach entrance. The property is approximately 200 years old and is listed on the Register of Protected Structures (RPS Ref. 23-229).
- 2.2. Access to the property was not available and as such my site inspection was undertaken from the public road. I note that several of the upper windows are missing and boarded up. The roof is in a state of partial collapse with plant growth in the rainwater goods and along the roof edge. The harling and paintwork on the front of the property is in a poor state of repair with cracks, partial detachment, and staining.

## **3.0 Application for Consent to Acquire**

- 3.1. Offaly County Council has applied to the Commission for consent to compulsorily acquire the site under Section 14 of the Derelict Sites Act, 1990, as amended. This application is subsequent to the serving of notices under Section 8(2) on 18<sup>th</sup> July 2011, advising of the Local Authority's notice of intention to enter the site on the register of derelict sites, and also under Section 8(7) on the 5<sup>th</sup> January 2012, confirming the Local Authority's decision to enter the site on the register of derelict sites.
- 3.2. A Section 15(1)(b) notice was served on the owner, Mr William Murray on the 14<sup>th</sup> February 2025. A Section 15(1)(a) notice was on the 27<sup>th</sup> February 2025 (Tullamore Tribune) and 1<sup>st</sup> March 2025 (Offaly Independent) respectively, in accordance with Section 15 of the Derelict Sites Act 1990 (as amended), advising of the intention of Offaly County Council to compulsorily acquire the subject property.

## **4.0 Application and Objection**

### **4.1. Notice of Intention to Acquire**

- 4.1.1. Offaly County Council served a Section 15 notice to the owner, William Murray, on the 14<sup>th</sup> February 2025. I am satisfied that this was in compliance with the requirements of Section 15 (1)(b) of the Act.
- 4.1.2. Offaly County Council advertised a 'Notice of intention to acquire derelict site compulsory under the Derelict Site Acts 1990, (as amended by the Planning and Development Act, 2000)' on the 27<sup>th</sup> February 2025 (Tullamore Tribune) and the 1<sup>st</sup> March 2025 (Offaly Independent). The notices invited submissions on or before the 28<sup>th</sup> March 2025. Section 15(1)(a) reads as follows:

*15. (1) A local authority intending to acquire any derelict site compulsorily under this act shall-*

*(a) publish in one or more newspapers circulating in their functional area a notice stating their intention to acquire the derelict site compulsorily under this Act, describing the land to which it relates, naming the place where a map of the derelict site is deposited and the times during which it may be inspected and specifying the time within which (not being less than one month) and the manner in which objections to the acquisition of the land may be made to the local authority.*

- 4.1.3. Two notices were published, one in the Tullamore Tribune on the 27<sup>th</sup> February and a second notice in the Offaly Independent on the 1<sup>st</sup> March. I note that the second advertisement, published in the Offaly Independent would not give the requisite one month as set out under Section 15(1)(a) of the act. However, the Act mandates publishing in one newspaper only and the advertisement published in the Tullamore Tribune on the 27<sup>th</sup> February 2025 meets the requirements of Section 15(1)(a) of the Act.

### **4.2. Objection to Acquisition**

- 4.2.1. An objection to the proposed acquisition was submitted to Offaly County Council by William Murray in a letter dated 24<sup>th</sup> February 2025 and date stamped as received by

Offaly County Council on the 26<sup>th</sup> February 2025. The letter contains the following points of note:

- Mr Murray currently runs a business in the adjacent building (Tullamore Electric Diesel Ltd). The properties are merged and part of No. 22 houses stock for the business.
- Mr Murray is in the process of transferring ownership to his daughter who plans to develop accommodation and a business.
- Meetings have commenced with the Local Offaly Development Company and plans will follow.

4.2.2. A further letter from Mr Murray, dated 26<sup>th</sup> February 2025 and date stamped received from Offaly County Council on the 26<sup>th</sup> February 2025, advises that Mr Murray gives permission for his daughter, Michelle Murray, to speak on his behalf regarding the subject property in all correspondence with Offaly County Council and other relevant authorities.

4.2.3. A final letter (and enclosure) was received by Offaly County Council on the 28<sup>th</sup> March 2025 from Michelle Murray. The main points are:

- Ms. Murray submits a Design and Access Statement regarding development of the site to provide a three bedroom dwelling and a sauna/spa business in the rear yard.
- It is submitted that the wellness facility will serve as a social hub promoting relaxation, wellness and community interaction.
- A description of the renovation and other proposed works are provided.
- Ms. Murray submits that the objective is to restore and revitalise the derelict building, in addition to providing a new dwelling and a sauna/spa business, to improve the aesthetic appearance of Tullamore High Street whilst establishing a local business and contributing to the community.

#### **4.3. Local Authority's Application for Consent**

4.3.1. Offaly County Council requests the consent of the Commission to the compulsory acquisition of the derelict site. The application for consent was received on the 25<sup>th</sup> April 2025 and was accompanied by the following:

- Compulsory Acquisition Report
- Derelict Site Location Map
- Copy of the Section 15 (1)(b) Notice issued to the Owner
- Copy of the Section 15 (1)(a) newspaper notices dated 27<sup>th</sup> February 2025 and 1<sup>st</sup> March 2025
- Copy of objection letter, Offaly County Council acknowledgement and response.
- Inspection photos from the case file
- Copies of notices served to registered Owner

4.3.2. The Compulsory Acquisition Report can be summarised as follows:

- Offaly County Council have established a property activation team to address vacancy and dereliction in towns and villages and bring said properties back into use. It is stated that the Council seek to work proactively with property owners, with timely actions and improvement of sites through positive engagement, with use of the powers under the Derelict Sites Act 1990 being employed only when necessary and where all reasonable alternatives have been exhausted.
- The site is located in Tullamore town centre, the existing building is a Protected Structure and is in a derelict state detracting from the amenity of surrounding properties on the High Street. Structurally the building is in bad condition, the roof has deteriorated over time due to neglect and the site is in an unsightly condition.
- The Council first inspected the property in 2008, identifying it as a derelict site as defined under Section 3 of the Act and identified William Murray as the owner. A notice was then served on Mr Murray on 8<sup>th</sup> August 2008 regarding the derelict state of the property.
- On 9<sup>th</sup> September 2008, Mr Murray notified Tullamore Town Council of forthcoming proposals to address the dereliction. No further correspondence was received from Mr Murray.

- A further notice was issued to Mr Murray in 2010 who responded with a view to discussing intended works on the property. No further engagement was received from Mr Murray.
- On 18<sup>th</sup> July 2011 Mr Murray was served with a Section 8(2) Notice of Intention to Enter Land on the Derelict Sites Register. No representation was made, the notice was confirmed, and the land was entered on the register on 24<sup>th</sup> November 2011. On 5<sup>th</sup> January 2012, Tullamore Town Council served a Section 8(7) Notice of Entry of Land on the Derelict Sites Register on Mr Murray.
- On 16<sup>th</sup> January 2015 the Council issued correspondence requesting that contact be made regarding proposals for the property. No representations were made.
- A site inspection by Offaly County Council on 27<sup>th</sup> March 2015 confirmed that no work had been carried out at the property confirmed. A valuation was completed in June 2018 and a levy demand notice under Section 22(3) of the Act was issued by the Council to Mr Murray in August 2018. This was not paid.
- A further inspection was undertaken in October 2019 and the Council then issued correspondence to Mr Murray requesting works to address the dereliction. At the same time another levy demand was issued. No representation or payment was made. Further levy demands have gone unanswered/unpaid.
- In June 2023 a non-statutory warning notice was issued to the owner and affixed to the property. No representation was received. In July 2023 the Council received complaints regarding slates falling off the roof and onto the street. In August of 2023 the Council served a Section 3 Dangerous Structure Notice under the Local Government Act 1964.
- In September 2023 a meeting took place on site with Mr Murray and his architect, to discuss the Section 3 notice. The Council requested Mr Murray have the property structurally surveyed. Mr Murray's architect confirmed that this would be undertaken and that the intention was to refurbish the property. No further information was received from Mr Murray or his representatives.

- Following the issue of another levy demand in January 2024, correspondence was received from Mr Murray's architect advising that he plans to refurbish the building and that plans would be submitted to Offaly County Council. No further information was received from Mr Murray or his representatives.
- In October 2024, the Council made contact with Mr Murray to advise him of the Council's intention to acquire the site. No representations were received from Mr Murray. Despite what was agreed no plans were submitted and no pre-application meetings were arranged. The property continued to be in a derelict state and the Council opted to exercise its powers under Section 14 of the Derelict Sites Act.
- Following serving of Section 8(2) notices, a representation was received, including drawings and development proposals for the site. Mr Murray was advised to engage with the Council in pre-planning meetings.
- The statement in the letter of objection claiming that the owner intends to carry out development does not reflect the reality of the past 14 years of correspondence. The building has continued to deteriorate, it is unsightly, dangerous, and highlights a failure of duty on behalf of the property owner to address the dereliction. The inaction of the property owners jeopardises the future use of the property due to its continued neglected and derelict state. Compulsory acquisition is the only option available to the Council.

#### **4.4. Submissions to An Coimisiún Pleanála**

- 4.4.1. The Commission wrote to William and Michelle Murray on the 16th May 2025 seeking any observations regarding the proposed compulsory acquisition of the site by Offaly County Council. No response has been received to date.

### **5.0 Planning History**

- 5.1. No recent planning history of specific relevance. The planning register shows two previous permissions, from 1996 (new roof and shopfront), and 1997 (new dwellinghouse).

## **6.0 Policy Context**

### **6.1. Offaly County Development Plan 2021-2027**

- 6.1.1. The site is zoned Town Centre/Mixed Use.
- 6.1.2. Chapter 7 Retail and Town Centre Strategy and Regeneration, Section 7.2.8 states: The Derelict Sites Act 1990 (as amended) requires that owners or occupiers of any land take all reasonable steps to ensure that the land and any structure within, does not become, or continue to be, a derelict site. A derelict site is any land, which detracts, or is likely to detract, to a material degree, from the amenity, character or appearance of land in the neighbourhood of the land. Offaly County Council maintains a Register of Derelict Sites and continues to be proactive in identifying and seeking the improvement of such sites, and applying derelict sites levy where the site is located in an urban area. It is considered that the continual implementation of the provisions of the Derelict Sites Act shall assist in preventing and / or removing injury to amenity.
- 6.1.3. RP-02 - It is Council policy to promote and encourage the suitable redevelopment of derelict and vacant sites as an alternative to new build on greenfield sites.
- 6.1.4. RO-06 - It is an objective of the Council to identify derelict sites and vacant sites which are suitable for redevelopment and to maintain the respective registers

### **6.2. Derelict Sites Act 1990 (as amended)**

- 6.2.1. The Derelict Sites Act 1990, as amended, makes provisions to prevent land being or becoming a derelict site. Amongst other things, it enables local authorities to require landowners or occupiers to take measures on derelict sites and, in certain circumstances, to acquire derelict sites compulsorily.
- 6.2.2. Section 3 of the Act defines 'derelict site' as:
- 6.2.3. "Any land...which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of—
- 6.2.4. (a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or



- 6.2.5. (b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or
- 6.2.6. (c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by or under statute or by common law.”
- 6.2.7. Section 8 of the Act requires local authorities to establish a register of derelict sites in their functional area and to serve notices on occupiers/owners of their intention to do so.
- 6.2.8. Section 9 places a duty on every owner and occupier of land, to take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site.
- 6.2.9. Section 10 places a similar duty on local authorities to take all reasonable steps, including the exercise of any appropriate statutory powers, to ensure that any land in their functional area does not become or continue to be a derelict site.
- 6.2.10. Section 11 of the Act enables local authorities to serve a notice on an owner or occupier of land, requiring them to take specified measures to prevent land becoming or continuing to be a derelict site.
- 6.2.11. Section 14 provides that a local authority may acquire by agreement or compulsorily any derelict site situated in their functional area.
- 6.2.12. Section 15 sets out arrangements for giving notice, if the local authority intend to acquire a derelict site compulsorily.
- 6.2.13. Section 16 sets out arrangements if the owner/occupier wish to object to the acquisition. Specifically, section 16, as amended, provides that where an objection is made, the derelict site shall not be acquired compulsorily by the local authority without the consent of the Commission.

## **7.0 Assessment**

- 7.1.1. Internal access to the property was not possible on the date of my site inspection on 1<sup>st</sup> July 2025, however, I was able to view the site from the public road. The property was vacant and in a derelict state.

- 7.1.2. I note that several of the upper windows are missing and boarded up. The roof is in a state of partial collapse with large holes, a significant number of missing tiles, significant bowing, and plant growth in the rainwater goods and along the roof edge. The harling and paintwork on the front of the property is in a poor state of repair with cracks, partial detachment, and staining. Aerial photography demonstrates that the rear is in equally poor condition, with more significant decay to the roof.
- 7.1.3. The property is mid terrace and in a prominent high street location. The adjoining properties are in a reasonable state of repair. I note the adjoining property to the south, Tullamore Diesel Electric Services is also in the owner's control and that it is claimed the properties are linked, with the subject property being used as storage for the business. From my site inspection, looking through the shop window, it doesn't appear that a business has been in operation for some time. It is evident that a part of the party wall has been crudely knocked through to provide access to the subject property and it is possible to see that the subject property is in a poor state of repair internally as well. In any event, the fact that the owner has knocked through the party wall does not change my view regarding the derelict nature of the subject property and I would question the likelihood that the subject property is used for stock storage given the overall state of the roof and that fact that the property is not weatherproof with likely significant water ingress.

## **7.2. Category of Dereliction**

- 7.2.1. I note the Local Authority considered that the property continued to be a "derelict site" within the meaning of the Act. Based on my site inspection, it is my view that the subject property and lands may be considered to fall under Category (a) and (b) of Section 3 of the Act.
- (a) The existence on the lands of structures which are in a ruinous, derelict or dangerous condition.
  - (b) The neglected unsightly or objectionable condition of the land or any structures on the land in question.
- 7.2.2. I do not consider the property to fall within category (c) of Section 3 of the Act as there was no rubbish evident at the time of my inspection. Having regard to (a) and (b) above, it is my view that the subject property and lands are detracting to a material

degree from the amenity, character and appearance of land in the neighbourhood, which in my view renders it derelict under Section 3 of the Act.

### **7.3. Action of Local Authority**

- 7.3.1. A detailed history of the actions of the Local Authority is set out in the Compulsory Acquisition Report. This details that the Local Authority first inspected the property in 2008 and served a notice on Mr Murray in August of that year regarding the derelict nature of the property. On foot of this, Mr Murray notified the Town Council of plans to address the dereliction. This did not come to fruition and no further correspondence was received from Mr Murray.
- 7.3.2. A further notice was issued to Mr Murray in 2010 who responded with a view to discussing proposals to address the dereliction, although no further engagement took place.
- 7.3.3. In July 2011, the Local Authority issued a Section 8(2) Notice of Intention to Enter Land on the Derelict Sites Register. No representation was made, the notice was confirmed, and the land was entered on the register on 24<sup>th</sup> November 2011. On 5<sup>th</sup> January 2012, Tullamore Town Council served a Section 8(7) Notice of Entry of Land on the Derelict Sites Register on Mr Murray.
- 7.3.4. On 16<sup>th</sup> January 2015 the Council issued correspondence requesting that contact be made regarding proposals for the property. No representations were made. Inspections in 2015 confirmed that no works had been undertaken to address the dereliction. A valuation was completed in 2018 and a levy demand notice under Section 22(3) of the Act was issued to Mr Murray. This was not paid.
- 7.3.5. Further inspections took place in 2019 with both a levy demand notice and correspondence requesting works to address the dereliction being issued to Mr Murray. No representation or payment was made, and the Planning Authority note that further levy demands have not been paid.
- 7.3.6. A warning notice was issued to Mr Murray in June 2023, and no representation was received. Following complaints of slates falling off the roof and onto the street, the Local Authority served a Section 3 Dangerous Structure Notice under the Local Government Act 1964.

- 7.3.7. A site meeting took place in September 2023 with Mr Murray and his architect, to discuss the Section 3 notice with the Local Authority requesting that Mr Murray have the property structurally surveyed. It was confirmed that this would take place and that the plan was to refurbish the building however no further information was received from Mr Murray or his representatives.
- 7.3.8. The Local Authority made contact with Mr Murray in October 2024 to advise of the Council's intention to acquire the site. No representations were received from Mr Murray, no plans were submitted, and no pre-application meetings were arranged. The property continued to be in a derelict state and the Council opted to exercise its powers under Section 14 of the Derelict Sites Act.
- 7.3.9. The Local Authority again inspected the property in January 2025 and noted that Mr Murray did not submit plans as agreed or arrange pre-application meetings.
- 7.3.10. Following this, Offaly County Council served a Section 15 notice to Mr Murray on the 14<sup>th</sup> February 2025 in addition to publishing a 'Notice of intention to acquire derelict site compulsory under the Derelict Site Acts 1990, (as amended by the Planning and Development Act, 2000)' on the 27<sup>th</sup> February 2025 (Tullamore Tribune) and the 1<sup>st</sup> March 2025 (Offaly Independent). The notices invited submissions on or before the 28<sup>th</sup> March 2025. Section 15(1)(a) reads as follows:
- 15. (1) A local authority intending to acquire any derelict site compulsorily under this act shall-*
- (a) publish in one or more newspapers circulating in their functional area a notice stating their intention to acquire the derelict site compulsorily under this Act, describing the land to which it relates, naming the place where a map of the derelict site is deposited and the times during which it may be inspected and specifying the time within which (not being less than one month) and the manner in which objections to the acquisition of the land may be made to the local authority.*
- 7.3.11. Two notices were published, one in the Tullamore Tribune on the 27<sup>th</sup> February and a second notice in the Offaly Independent on the 1<sup>st</sup> March. I note that the second advertisement, published in the Offaly Independent would not give the requisite one month as set out under Section 15(1)(a) of the act. However, the Act mandates publishing in one newspaper only and the advertisement published in the Tullamore Tribune on the 27<sup>th</sup> February 2025 meets the requirements of Section 15(1)(a) of the

Act. On that basis, and having regard to the Owner's correspondence with the Council from the 24<sup>th</sup> February onwards, I am satisfied that the statutory obligations have been met and that no parties have been discommoded from participating in the process by reason of the second advertisement.

7.3.12. Following the Section 15 notices, the owner Mr Murray and his daughter Ms Michelle Murray, notified the Council of plans to refurbish the site and submitted a Design and Access Statement providing details of potential works to create a three-bedroom dwelling and a wellness hub. Mr and Ms. Murray were then advised to engage with the Council in pre-application meetings, however, there is no record of any further correspondence/engagement.

7.3.13. The Planning Authority have taken the view that the owner's claimed intention to carry out works at the property do not reflect the history of correspondence, which I note dates back to 2008, and that the building has continued to deteriorate. On that basis the Local Authority consider that the owner has not complied with their duties under the Derelict Sites Act, 1990 (as amended), that the property continues to be in a derelict state and detracts from its surrounds. The report states that the only option open to Offaly County Council to address the dereliction is to acquire the property compulsorily.

7.3.14. I note that Local Authorities have a duty (under section 10) "to take all reasonable steps (including the exercise of any appropriate statutory powers) to ensure that any such land does not become/continue to be a derelict site." It is c. 17 years since Offaly County Council commenced communication in relation to the derelict state of the property and I note that the Council allowed for a period of c. 13 years between the serving of a 8(7) notice and commencing the process to compulsorily acquire the lands. Having regard to the foregoing I am satisfied that the Local Authority gave the property owner sufficient time and opportunity to address the dereliction. Therefore, I am satisfied that the efforts of the Local Authority have been fair and reasonable.

#### **7.4. Compliance with Development Plan**

7.4.1. Chapter 7 of the Offaly County Development Plan states at Section 7.2.8 that owners or occupiers of any land are required to take all reasonable steps to ensure that the land and any structure within, does not become, or continue to be, a derelict site.

- 7.4.2. SSP-03 It is Council policy to strengthen the core of settlements and encourage the compact growth of settlements by way of the development of infill sites, brownfield lands, under-utilised land / buildings, vacant sites, and derelict sites within the existing built-up footprint of the settlements and develop outwards from the centre in a sequential manner.
- 7.4.3. RP-02 states that it is Council policy to promote and encourage the suitable redevelopment of derelict and vacant sites as an alternative to new build on greenfield sites.
- 7.4.4. RO-06 states that it is an objective of the Council to identify derelict sites and vacant sites which are suitable for redevelopment and to maintain the respective registers
- 7.4.5. The property has been in a derelict state for some time and detracts to a material degree from the character and appearance of the surrounding area. Therefore, I consider that the compulsorily acquisition of the subject property would be consistent with the policies and objectives of the Development Plan and will ensure that the lands do not continue to be in a derelict condition.

#### **7.5. Action of Owner**

- 7.5.1. I note that the owner submitted a Design and Access Statement after being served notices under Section 15(1) of the Act and that they were advised to undertake pre-application discussions with the Planning Authority. From the information available to me, no further correspondence or engagement has taken place and there are no records of any pre-application discussions or application submissions. I also note that there have been multiple instances over the past 17 years where the owner has made commitments to the Local Authority to address the dereliction. This has been in direct response to previous notices/correspondence issued by the Council and did not result in any works or proposals to address the dereliction or any further engagement. I also note that no works appear to have taken place at the site to address its derelict nature.
- 7.5.2. I note that owner/occupiers have obligations (under section 9 of the Act) to “take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site”. It is my opinion that the owner has had ample opportunity over the past 17 years (and 13 years since the site was entered on the Derelict Sites Register) to address the state of the property and whilst I note that a Design and Access Statement was submitted in response to the Section 15 notices, I also note that no further

engagement has taken place. Given the history of correspondence and previous unfulfilled commitments by the owner to address the dereliction, I have little faith that any meaningful works would be undertaken in the short to medium term and having regard to the longstanding dereliction of the property, its neglected and unsightly condition, and its impact on the amenities and appearance of the area, I am satisfied the proposed compulsory acquisition is proportionate given the circumstances of this particular case.

## **8.0 Conclusion**

- 8.1. I am satisfied that the process and procedures undertaken by Offaly County Council have been fair and reasonable, that the Local Authority has demonstrated the need for the site to be acquired are both necessary and suitable to ensure that the lands do not continue to be derelict.
- 8.2. Having regard to the Constitutional and Convention provision afforded to property rights, I consider that the proposed acquisition of the site and premises located at 22 High Street Tullamore, Offaly, as set out in the Derelict Site Notice issued under Section 15(1)(b) of the Derelict Sites Act 1990, (as amended) and dated 14<sup>th</sup> February 2025, pursues, and was rationally connected to, a legitimate objective in the public interest, namely, to ensure that the lands do not continue to be in a derelict condition.
- 8.3. I am also satisfied that the acquisition authority had demonstrated that the means chosen to achieve that objective impair the property rights of affected landowners as little as possible. The effects of the compulsory acquisition on the rights of the affected landowner are proportionate to the objective being pursued. I am further satisfied that the proposed acquisition of these lands would be consistent with the policies and objectives of the Offaly County Development Plan 2021-2027, which seeks to address dereliction, reduce vacancy and encourage and facilitate appropriate redevelopment.

## **9.0 Recommendation**

- 9.1. Having regard to the observed condition of the application site, in particular the neglected, unsightly and objectionable state of the land and the structures thereon, I consider that the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood and is therefore a derelict site within the

meaning of Section 3 of the Derelict Sites Act, 1990, as amended. It is further considered that the acquisition of the site by the Local Authority is warranted in order to render the site non-derelict and to prevent it continuing to be a derelict site. I therefore recommend that the Commission grant permission to Offaly County Council to compulsorily acquire the site.

## **10.0 Reasons and Considerations**

10.1. Having regard to the derelict condition of the structure and to the neglected, unsightly and objectionable state of the land and structure, having considered the objection made to the compulsory acquisition, and also:

- a) The Constitutional and Convention protection afforded to property rights,
- b) The public interest, and
- c) The provisions of the Offaly County Development Plan 2021-2027,

10.2. it is considered that the site detracts to a material degree from the amenity, character and appearance of land in the neighbourhood and, therefore, comes within the definition of a derelict site as defined in sections 3(a) and 3(b) of the Derelict Sites Act, 1990, as amended, and that the compulsory acquisition of the site by the local authority is necessary in order to render the site non-derelict and to prevent it from continuing to be a derelict site. It is also considered that the objection made cannot be sustained, having regard to that said necessity and that the compulsory acquisition and its effects on the property rights of affected landowners are proportionate to that objective and justified by the exigencies of the common good.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.



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Terence McLellan  
Senior Planning Inspector

27<sup>th</sup> August 2025